Rochester Joint Schools Construction Board Minutes January 11, 2016 4:30 PM

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Allen Williams, Wayne Williams, and ICO Brian Sanvidge. Mike Schmidt was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Managers Tom Rogér from Gilbane and Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:33 pm

Approval of Minutes

Monthly Meeting held on December 14, 2015 Motion by Member Brown Second by Member Benincasa Approved 5-0 with Member Schmidt away

Financial Audit Review: RJSCB 2014-2015 Financial Audit

Kathryn Barrett with Freed Maxick gave an overview of the Financial Audit including describing how government finances are reported. This was a standard audit using the recently issued newer accounting standards. There was nothing unusual and expenses were slightly less due to project status.

Presentation: East Phase 2 Program Verification Phase

Rich Little, with Cannon Design, gave a presentation of the East campus including the history of the building, Phase 1 work completed, the buildings infrastructure needs, and how the campus renovation will be designed for flexibility. HVAC needs have been a serious concern since 2006. 87 classrooms do not meet the current SED standard for square feet. There is also a lot of unusable square footage due to circulation corridors. Dr. Steve Uebbing, with the University of Rochester, joined the presentation adding that it is best practice to add support rooms and double periods of ELA and Math. Cannon Design will move onto Schematic Design pending the authorization a the RJSCB meeting today.

Presentation: Master Plan Update

Steve Rebholz with SWBR Architects gave a presentation on enrollment projections, findings of students, pre-conceptual plans for the 2a projects (East, Monroe, 16, 7, Franklin/22).

Presentation: Phase 2 SEQRA Process and Schedule

Norm Gardner with Clark Patterson Lee discussed the SEQRA requirements, the activities that need to take place over the next few months, and the overall schedule/sequence. He stated that this is a process that the RJSCB must to go through in order to get the \$435 million analyzed for any environmental impacts (ex. wetlands, endangered species, visual, community character).

Action Items

Resolution 2015-16: 85 Change Order #16 through #24 to LeChase Construction (School 12)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the award of the general contractor contract to LeChase Construction Services LLC, ("LeChase") for the School 12 project in Phase I (Resolution 2014-15: 200); and

WHEREAS, the RJSCB entered into a contract with LeChase (Resolution 2014-15: 200) dated March 9, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, LeChase, along with the Pike Company (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #16 includes the following items:

- 1. Changes to food shelving units for a credit in the amount of -\$2,253
- 2. Add riser enclosure for the amount of \$0
- 3. Changes to south walls of 320 and 320A for the amount of \$340.17
- 4. Changes to epoxy tops for casework for a credit of -\$250
- 5. Add bracing for existing masonry for the amount of \$9,783.89
- 6. Changes to slab edge for the amount of \$2,504.60
- 7. Roofing at penthouse for the amount of \$4,035.12
- 8. Changes at the 3rd floor for the amount of \$570.69
- 9. Changes at smart boards in rooms 337 and 341 for the amount of \$1,176.21

The Total amount of Change Order #16 is \$15,907.68; and

WHEREAS, Change Order #17 includes the following item: 1. Remove and replace insulation at the center roof section for the amount of \$21,726.90 The Total amount of Change Order #17 is \$21,726.90; and

WHEREAS, Change Order #18 includes the following item: 1. Add lockers at the 3rd floor for the amount of \$16,055.47 The Total amount of Change Order #18 is \$16,055.47; and

WHEREAS, Change Order #19 includes the following items:

- 1. Wall changes at room 131 for the amount of \$728.28
- 2. Door opening corrections for the amount of \$383.68
- 3. Electronic hardware in room 138 for the amount of \$1,986
- 4. Additional key cabinet for the amount of \$745
- 5. Changes to window at east elevation for the amount of \$3,049.60
- 6. Changes at existing trophy cases for the amount of \$1,411

The Total amount of Change Order #19 is \$8,303.56; and

WHEREAS, Change Order #20 includes the following items: 1. Wall demo at stair 1 and 4 for the amount of \$15,511.95 2. Demo existing insulation for the amount of \$1,131.84 The Total amount of Change Order #20 is \$16,643.79; and

WHEREAS, Change Order #21 includes the following item: 1. Remove and replace insulation at the north and south roof areas for the amount of \$128,425 The Total amount of Change Order #21 is \$128,425; and

WHEREAS, Change Order #22 includes the following items:
1. Add wall plate flashing for the amount of \$5,916
2. Demo at concrete encased beams for the amount of \$2,755.60
3. Add structural steel for the amount of \$15,138.25
The Total amount of Change Order #22 is \$23,809.85; and

WHEREAS, Change Order #23 includes the following item: 1. Changes at manhole for the amount of \$4,136 The Total amount of Change Order #23 is \$4,136; and

WHEREAS, Change Order #24 includes the following items:1. Millwork and soffit revisions for the amount of \$10,3812. Kitchen finish changes for the amount of \$2,671.77The Total amount of Change Order #24 is \$13,052.77; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LeChase Construction Services' Contract should be amended to add and delete these scope items for a total of \$248,061.02; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Orders to LeChase Construction Services LLC's Contract between the Board and Contractor dated March 9, 2015 as set forth above are hereby approved; and
- 2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown Approved 5-0 with Member Schmidt away

Resolution 2015-16: 86 Change Order #10 to Landry Mechanical Contractors (School 12)

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of

equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to Landry Mechanical Contractors, ("Landry") for the School 12 project in Phase I (Resolution 2014-15: 200); and

WHEREAS, the RJSCB entered into a contract with Landry (Resolution 2014-15: 200) dated March 9, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Landry, along with the Pike Company (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #10 includes the following item: 1. Add allowable bond cost to previous changes for the amount of \$620.27 The Total amount of Change Order #10 is \$620.27; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Landry Mechanical Contractors' Contract should be amended to add this item for a total of \$620.27; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Order to Landry Mechanical Contractors' Contract between the Board and Contractor dated March 9, 2015 as set forth above is hereby approved; and
- 2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Benincasa Approved 5-0 with Member Schmidt away

Resolution 2015-16: 87 Change Order #22 to MA Ferrauilo (School 12)

By Board Member Brown

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to Michael A. Ferraulo Plumbing and Heating, Inc. ("MA Ferraulo"), for the School 12 project in Phase I (Resolution 2014-15: 200); and

WHEREAS, the RJSCB entered into a contract with MA Ferrauilo (Resolution 2014-15: 200) dated March 9, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract, MA Ferrauilo, along with the Pike Company (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #22 includes the following item: 1. Relocate existing floor cleanouts for the amount of \$1,954 The Total amount of Change Order #22 is \$1,954; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that MA Ferrauilo's Contract should be amended to add these scope items for a total of \$1,954; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Order to Michael A. Ferrauilo Plumbing and Heating Inc.'s Contract between the Board and Contractor dated March 9, 2015 as set forth above is hereby approved; and
- The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Benincasa Approved 5-0 with Member Schmidt away

Resolution 2015-16: 88 Change Order #10 to Hewitt Young Electric (School 12)

By Board Member Brown

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Hewitt Young Electric, ("HYE") for the School 12 project in Phase I (Resolution 2014-15: 202); and

WHEREAS, the RJSCB entered into a contract with HYE (Resolution 2014-15: 202) dated March 17, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with the Pike Company (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #10 includes the following item: 1. Provide cover for floor trench for the amount of \$2,838.19 The Total amount of Change Order #10 is \$2,838.19; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Hewitt Young Electrical's Contract should be amended to add these scope items for a total of \$2,838.19; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Order to Hewitt Young Electrical's Contract between the Board and Contractor dated March 17, 2015 as set forth above is hereby approved; and
- 2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Benincasa Approved 5-0 with Member Schmidt away

Resolution 2015-16: 89 Change Order #4 to Manning Squires Hennig (Monroe)

By Board Member Brown

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires"), for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2014-15: 242) dated June 9, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with the Campus Construction (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:

- 1. Abatement of vent shaft flashing for the amount of \$21,177
- 2. Remove asbestos containing pipe insulation and floor tile for the amount of \$5,863
- 3. Abate and remove existing bus bar for the amount of \$1,235

4. Remove additional asbestos containing pipe insulation for the amount of \$2,123

5. Repair foundation cracks and infill door opening for the amount of \$5,505

The Total amount of Change Order #4 is \$35,903; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires Hennig's Contract should be amended to add these scope items for a total of \$35,903; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Order to Manning Squires Hennig's Contract between the Board and Contractor dated June 9, 2015 as set forth above is hereby approved; and
- 2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member W. Williams Approved 5-0 with Member Schmidt away

Resolution 2015-16: 90 Change Order #2 to Steve General Contractor – (East "Make Ready Project")

By Board Member W. Williams

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of

equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, in June 2015, the RJSCB approved the award of the East High School "Make Ready Project" general contractor contract to Steve General Contractor Inc, in Phase I (Resolution 2014-15: 246); and

WHEREAS, the RJSCB entered into a contract with Steve General Contractor Inc., (Resolution 2014-15: 246) dated June 22, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Steve General Contractor, Inc., along with the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, Change Order #2 includes the following items:

- 1. Add roller shades for the amount of \$1,961.26
- 2. Add lock cylinders for the amount of \$1,829.88
- 3. Add ACT ceilings for the amount of \$1,376.49
- 4. Repair electric outlets for the amount of \$2,040.47
- 5. Additional abatement for the amount of \$657.37
- 6. Build bulkhead in room B-102a for the amount of \$0
- 7. Remove wiremold for the amount of \$314.46
- 8. Add acoustical panels to the cafeteria for the amount of \$19,113.49
- 9. Provide 3 additional room speakers for the amount of \$3,009.80
- 10. Sub floor prep for the amount of \$1,203.80
- 11. Deduct for custodial overtime in the amount of -\$321.60
- The total amount of Change Order #2 is \$31,185.42; and

WHEREAS, the Program Manager believes that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Steve General Contractors' Contract should be amended to add and delete these scope items in the total amount of \$31,185.42; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting and after due deliberation, it approved the request to amend the Contract; THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Order to Steve General Contractors' Contract between the Board and Contractor dated June 22, 2015 as set forth above is hereby approved; and
- 2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown Approved 5-0 with Member Schmidt away

Resolution 2015-16: 91 Pay Requisition Summary Acceptance (December 2015)

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and

WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program ("RSMP") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization program Phase 1c projects were deposited in the Trustee's account on February 4, 2015; and

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program is currently in the final stages of review and certification by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and

WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$2,695,873.87 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using Excel Aid funding, to the RJSCB Board Chair with copy to the full Board on January 4, 2016; and

WHEREAS, the RJSCB Board Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on January 6, 2016; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on January 7, 2016;

THEREFORE, BE IT RESOLVED:

 The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of December 2015 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

Second by Board Member A. Williams Approved 5-0 with Member Schmidt away

Resolution 2015-16: 92 2014-2015 Financial Audit

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB's General Counsel recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that a Financial Audit of the RJSCB's financial commitments, obligations, and internal controls be performed on an annual basis; and

WHEREAS, the RJSCB's Treasurer recommended that the RJSCB participate with the City and the District in a Request for Proposals ("RFP") by the City for financial auditing services, beginning 2012-2013 (Resolution 2012-2013: 123); and

WHEREAS, the RJSCB is considered a blended component of the District's budget which is a part of the overall City's budget, and there are efficiencies in having the same firm perform the RJSCB's, the District's, and the City's annual financial audits; and

WHEREAS, the RJSCB's Executive Director worked with the RJSCB's general counsel, the City, and the District to coordinate appropriate language to be included in the City's RFP document; and

WHEREAS, the RJSCB's portion of the RFP was bid as a separate line item so that the RJSCB can review the cost and determine if its audit should be included in the final award of the financial auditing services; and

WHEREAS, the City received three proposal responses to the RFP on the date specified in the RFP, and promptly provided copies to the RJSCB's Executive Director for review; and

WHEREAS, the City, the District, and the RJSCB participated in a proposal review meeting on March 22, 2013, where details of each proposal were discussed along with the qualifications of each firm; and

WHEREAS, the RJSCB's Executive Director recommended to the RJSCB MWBE and Services Procurement Committee (the "Committee") on March 28, 2013, that the RJSCB support the City and District's decision to award based on the merits and qualifications of the best firm, although it may mean that the specific pricing included for the RJSCB's work may not be the lowest price; and

WHEREAS, the City and District have identified the firm Freed Maxick & Battaglia as the most qualified firm to provide the requested financial auditing services, and the RJSCB accepted the City's recommendation to award the contract to Freed Maxick & Battaglia (Resolution 2012-2013: 164); and

WHEREAS, Freed Maxick & Battaglia has now completed the financial audit report (the "Report") for the time period ending June 30, 2015 (attached to this resolution), and the RJSCB's Executive Director and its General Counsel have reviewed and considered the Report; and

WHEREAS, the RJSCB's Executive Director has recommended to the RJSCB that it accept the Report, and the RJSCB discussed the recommendation and considered the Report at its Finance Committee meeting on January 7, 2016 and its regular Board meeting on January 11, 2016;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the 2014-2015 Financial Audit Report in the form attached to this Resolution.

Second by Board Member Benincasa Approved 5-0 with Member Schmidt away

Resolution 2015-16: 93 Program Verification Approval – East Phase 2

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the legislation for Phase 2 of the RSMP states that "the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the public interest; the contracts of the Program Manager and the independent Compliance Officer for Phase Two will be rebid, and provided further that the Program Manager and the Independent Compliance Officer and any new or different providers of professional services shall be engaged in compliance with the provisions of Section Eight of this Act"; and

WHEREAS, the Superintendent identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval; and

WHEREAS, in order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the "Early Start Projects"), the District has advanced funds to the RSMP to begin the design process for these projects; and

WHEREAS, the RJSCB recognized that in order to maintain the proposed Phase 2 activity schedule it was necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB extended the services of those professional service firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; and

WHEREAS, in November 2011, the RJSCB approved the selection of Cannon Design ("Cannon") as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, in May 2015, the RJSCB authorized Cannon (Resolution 2014-15: 216) to begin the program verification and planning associated with the East project in Phase 2; and

WHEREAS, in its authorization to proceed, the RJSCB required that upon completion of the program verification phase, each Architect will provide an update to the RJSCB and to the District, and the Program Manager will seek authorization from the RJSCB and the District to proceed to the next phase in the design process, the schematic design phase; and

WHEREAS, on December 22, 2015, the Architect and Program Manager presented the East Phase 2 program verification plans to the Superintendent and his senior cabinet and received authorization to proceed to the next step in the design process; and

WHEREAS, at its regular monthly meeting on January 11, 2016, the Architect and Program Manager presented the East Phase 2 program verification plans to the RJSCB;

THEREFORE, BE IT RESOLVED:

- 1. The program verification documents for the East Phase 2 project are approved; and
- 2. The Program Manager is hereby authorized to direct the Architect for East Phase 2 (Cannon Design) to proceed with the next phase in the design process, the schematic design phase.

Second by Board Member W. Williams Approved 5-0 with Member Schmidt away

Resolution 2015-16: 94 East - Lower Field Project

By Board Member W. Williams

WHEREAS, the Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program ("RSMP") including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB entered into an agreement with Cannon Design ("Cannon"), dated November 15, 2011, (Resolution 2011-12: 39) with respect to the renovations to occur at East High School (Agreement between Board and Architect); and

WHEREAS, the District has recently requested additional work at East High School related to the existing lower field; and

WHEREAS, the Program Manager has identified funding available for this additional work from unspent funds associated with the East – Make Ready Project and from uncommitted contingency; and

WHEREAS, the qualifying work associated with the lower field work will be aided due to the fact that the project will be within the maximum cost allowance ("MCA") established for East High School by the State Education Department; and

WHEREAS, bid documents will be prepared, and the Program Manager has recommended that the project be bid and awarded as a single prime GC contract; and

WHEREAS, the work will take place in the summer of 2016; and

WHEREAS, the Program Manager and Cannon are prepared to schedule a kick-off meeting to begin the design process immediately;

WHEREAS, the RJSCB MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its January 7, 2016 meeting, and after due deliberation, it approved commencement of the additional work at East High School related to the revitalization of the lower field;

THEREFORE, BE IT RESOLVED:

- 1. The RJSCB, through its Program Manager, shall proceed with the design and bid for the East High School "Lower Field Project" upon approval by the State Education Department; and
- Prior to issuance, the Program Manager will work with the RJSCB's general counsel to further develop and finalize the request for bid package, including the general conditions of the Contract and the form of contract; and
- 3. The RJSCB has allocated an amount not-to-exceed \$250,000 for the design and bid of this project and will evaluate the bids received based upon this budget; and
- 4. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidder.

Second by Board Member Brown Approved 5-0 with Member Schmidt away

Communications

The Monthly Report is included in the Member's packets and was reviewed by Program Manager Tom Rogér.

- Phase 1c: Detailed updates were provided by the Program Managers for each project at the Committee Meeting. Monroe and School 12 are both proceeding on schedule and East will be starting the Field Revitalization Project as part of Phase 1c per Resolution 94.

The Compliance Report from Baker Tilly is included in the Member's packets and was reviewed by ICO Brian Sanvidge.

- 94.05% submissions for the November 2015 reporting period.

- 98.56% of all data requested has been received and approved (April 2011 through November 2015).

- Overall Workforce (EEO) Participation: Minority @ 22.95% (goal is 20%) and Women @ 7.42% (goal is 6.9%).

- Overall Business Participation: Minority @ 15.22% (goal is 15%), Women @6.99% (goal is 5%), Disadvantaged @ 2.19% (goal is 2%) and Small @ 3.63% (goal is 5%).

- Rochester Residents: 79 of the 264 workers for the November 2015 reporting period (or 29.92%). Total Rochester Residents (history for the past 2 years) is 23.52%.

The Budget reports are included in the Member's packets and were reviewed by Tom Rogér.

- Overall Budget Update: Schools are receiving aid (Early Aid SED Forms were submitted). Many Construction Managers and Contractors have been closed out and released. Project contingency remains strong (\$6M).

The M/WBE and Services Procurement Committee Report for January 7, 2016 is included in the Members packets.

The Finance Committee Report for January 7, 2016 is included in the Members packets.

Member Benincasa requested to add Member Allen Williams to the Bond RFP Review Committee – approved by Chair Tom Richards.

Executive Session

Chair Tom Richards called for an Executive Session per Section 105 1. (f) of the Open Meetings Law. Approved at 6:57 pm

Back into the open session

Motion by Member Brown Second by Member Benincasa Approved 5-0 with Member Schmidt away

Resolution 2015-16: 95 Settlement Between RJSCB and Manning Squires Hennig

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB awarded the general construction contract to Manning Squires Hennig ("MSH") as the general contractor for the School 58 World of Inquiry project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB entered into a contract agreement with MSH (Resolution 2012-13: 35) dated September 10, 2012; and

WHEREAS, MSH has advised the RJSCB that it has a claim for additional costs and damages in the amount of \$1,234,652, relating to the extension of the scheduled completion of School 58 and the bankruptcy of its structural steel subcontractor; and

WHEREAS, the RJSCB has informed MSH that it believes that MSH is responsible for some portion of the costs of the schedule extension and that the RJSCB is not responsible for the bankruptcy of MSH's structural steel subcontractor; and

WHEREAS, MSH has now proposed that it would waive its claim for additional costs and damages if the RJSCB was to waive its claims for schedule extension costs; and

WHEREAS, the Program Manager has recommended that the RJSCB approve MSH's settlement proposal; and

WHEREAS, the RJSCB has considered and discussed the Program Manager's recommendation at its January 11, 2016 monthly meeting;

THEREFORE, BE IT RESOLVED:

- 1. The proposed settlement between the Board and Manning Squires Hennig as set forth above is hereby approved; and
- 2. The Chair is hereby authorized in the name and on behalf of the RJSCB, to execute any necessary instruments to effectuate the settlement described above upon the advice of the RJSCB's general counsel.

Second by Board Member Benincasa Approved 5-0 with Member Schmidt away

Adjournment Approved at 7:06 pm